IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5524 of 1987

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

H.D.TILWANI

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Special Civil Application No. 5524 of 1987

MR ASHOK N PARMAR for Petitioner No. 1

MR MD PANDYA for Respondent No. 1

MR VJ DESAI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 04/12/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Parmar for the

petitioner and Mr. Pandya for the respondents. In this petition, the petitioner has challenged the order of punishment of stoppage of three annual increments with permanent effect imposed by the respondents against which the first and the second appeals have been rejected by the respondents. It was submitted by the learned advocate Mr. Parmar on behalf of the petitioner that the petitioner is desirous to raise an industrial dispute in respect of the punishment imposed by the respondents before the machinery provided under the ID Act, 1947. He, therefore, submitted that the present petition may be disposed of while reserving liberty in favour of the petitioner to raise such an industrial dispute before the machinery under the ID Act, 1947.

Considering the facts of the present case, it is open for the petitioner to raise an industrial dispute before the machinery under the ID Act for challenging the order of punishment which has been challenged in this petition. As and when such dispute is raised by the petitioner before the forum under the ID Act, 1947, namely conciliation officer, the time consumed in the present petition from the date of filing of the petition till this date may be considered to be sufficient cause for not raising industrial dispute within the time limit. Therefore, present petition is disposed of accordingly with a view to enabling the petitioner to raise the industrial dispute before the machinery provided under the ID Act, 1947. This petition is accordingly disposed of without entering into the merits of the matter. Rule is discharged. Interim relief, if any, shall stand vacated with no order as to costs.

Dt.4.12.2003. (H.K. Rathod,J.)

Vyas